

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

CIVIL APPLICATION NO.931 OF 2007

IN

FIRST APPEAL NO.2447 OF 2006

Sanjay @ Sandeep Balu Padave : Petitioner

versus

The New India Assurance Co.Ltd. : Opponents.

Mr.V.D.Raut h/f Mr.Sanjay D. Thokade for the
petitioner.

Mr.S.S.Vidyarthi h/f Mr.A.S.Vidyarthi for the
opponents.

CORAM : J.N.PATEL &

A.A.SAYED, JJ.

DATED : JULY 24, 2007.

P.C.

1. By this application, the petitioner is
seeking withdrawal of the amount without any

security. The application is strongly opposed by the Insurance Company on the ground that though the Insurance Company has deposited the amount, in law, they are not liable to pay the same as the policy did not cover loss to the workmen as it was a policy drawn by the owner of fishing vessel which was restricted to cover damage caused to marine hull and it was a policy only to cover damages to the vessel and not the workmen.

2. The matter requires to be adjudicated on merits. In the meantime, the petitioner can be permitted to withdraw the amount of compensation deposited by the opponents on furnishing surety to the satisfaction of the tribunal as it will not be possible for the petitioner to furnish bank guarantee considering his economic condition. Civil Application is disposed of accordingly.

[A.A.SAYED, J]

[J.N.PATEL, J]